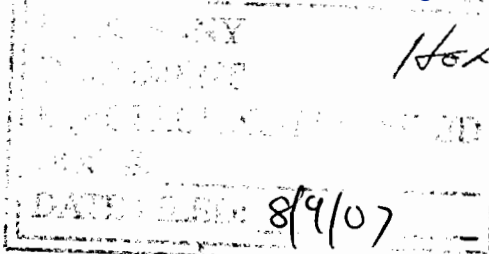


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
IN RE LOWER MANHATTAN DISASTER SITE  
LITIGATION

Case No. 21 MC 102 (AKH)

-----X  
VINCENT CIARMELLA,

Case No. 07 CV 5343

Plaintiff,

: **STIPULATION OF  
DISCONTINUANCE  
AS TO DEFENDANT  
AMEX SEAT OWNERS  
ASSOCIATION, INC. ONLY**

- against -

AMERICAN EXPRESS BANK, LTD., et al.,

Defendants.

-----X  
**IT IS HEREBY STIPULATED AND AGREED** by and between the undersigned for the parties herein, that whereas no party herein is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of this action and based on the representation of the within defendant, and to the extent Plaintiff can so Stipulate that each claim, cross-claim and counter-claim asserted by and against Defendant AMEX SEAT OWNERS ASSOCIATION, INC., only as to the claims being made as to the premises located at 86 Trinity Place, New York, New York, shall be and the same hereby are discontinued without prejudice and without costs to any party as against the other.

**IT IS FURTHER STIPULATED AND AGREED** that should evidence be discovered throughout the course of the litigation which determines that AMEX SEAT OWNERS ASSOCIATION, INC. is proper party to this suit, that Plaintiff may reinstitute the action without regard to the applicable Statute of Limitations, assuming said original action was timely

commenced, and in such instance Defendant shall not assert Statute of Limitation as a defense.


This Stipulation may be filed without further notice with the Clerk of the Court.

Dated: New York, New York  
August 1, 2007


**WORBY GRONER EDELMAN  
& NAPOLI BERN, LLP**  
Attorneys for Plaintiff

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SO ORDERED: 8/9/07

  
U.S.D.J.